

**Board of Respiratory Care  
Minutes**

**Date:** May 23, 2006

**Time:** 9:00 a.m., C.S.T.

**Location:** Tennessee Room  
Ground Floor, Cordell Hull Building  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37247-1010

**Members Present:** Billy Alred, Chair  
Shirley Brackett  
James Hunter, II  
Candace Partee  
Timothy McGill  
Colleen Schabacker  
Robbie Bell, Ex Officio

**Members Absent:** Dr. Darryl Jordan, M.D.  
Delmar Mack, Ed.D.

**Staff Present:** Marva Swann, Unit Director  
Tomica Walker, Board Administrator  
Ernie Sykes, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Gerry Crownover, Assistant General Counsel  
Lea Phelps, Disciplinary Coordinator

**Guests Present:** Mike Harkreader, Tennessee Professional Assistance Program (TNPAP)

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

**Office of General Counsel**

Mr. Sykes informed the Board of their responsibilities under the Conflict of Interest Policy. Board members were asked to sign exhibit 4 of the policy in acknowledgement of their understanding of its content.

Mr. Sykes presented to the Board the Office of General Counsel Report as follows:

**Rules:**

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1330-1- .22—regarding ABG course requirements
- Tenn. Comp R. & Regs. 1300-1-.05- regarding criminal background checks for initial applicants for licensure
- Tenn. Comp R. & Regs. 1330-1-.02,.03,.19,.20-(05-1386) regarding title, screening panels, equipment delivery, and advertising.

### **Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has Thirteen (13) open cases pertaining to the Tennessee Board of Respiratory Care. Five (5) cases pertain to Registered Respiratory Therapists; seven (7) cases pertain to Certified Respiratory Therapists; and one (1) case pertains to Respiratory Care Assistants.

### **Topics for Discussion:**

Licensees who failed to renew before the licensure retirement option became available nevertheless must pay all back renewals in order to reinstate. (In any event, the retirement option became available no later than 1987- only one year after the respiratory care council (now Board) was created. In other words, the retirement option either was original to the code section dealing with respiratory care or it came online the very next year.)

### **Agreed Order/Consent Order or Contested Case Hearings:**

The State was represented by Gerry Crownover. Judge Tom Stovall presided.

Billy W Andrews, CRT- Case continued.

Cynthia D. Miller—Ms. Miller’s case was presented to the Board as an Agreed Order. Ms. Miller was present but not represented by legal counsel.

The State presented these Findings of Fact:

Ms. Miller while employed by Metropolitan General Hospital at Meharry, failed to give an ordered breathing treatment to an infant patient. She further violated hospital policy by borrowing money from fellow employees, an act for which she had been counseled. Due to Ms. Miller’s admission of borrowing money and physical behavior (shaking), she was asked to submit to a drug screening. She tested positive for cocaine and was referred to the Tennessee Professional Assistance Program (TNPAP) for evaluation. During treatment as an outpatient, Ms. Miller tested positive for cocaine twice and discontinued treatment. Inpatient treatment was then recommended for which she refused.

The State made these Conclusions of Law:

Ms. Miller was found to be in violation of T.C.C. 63-27-112(a) (3) Habitual intoxication or personal misuse of narcotics, controlled substances or any other drugs or the use of alcoholic beverages or stimulants in such manner as to adversely affect the person’s ability to practice

respiratory care; (8) Engaging in the practice of respiratory care when mentally or physically unable to safely do so; and (11) Any other unprofessional or unethical conduct specified in the rules of the Board.

As a result, the State recommends Ms. Miller's license to practice respiratory care in the state of Tennessee pursuant to the authority vested in the Board under T.C.A. 63-27-112 be suspended until such time as she contracts with TNPAP. When she has contracted with TNPAP, her license shall then be placed on probation to run concurrent with the TNPAP contract, until such time as she fulfills each and every term of the TNPAP contract. Ms. Miller agreed to enter into inpatient treatment as recommended by TNPAP. In addition she must pay the costs of this action pursuant to T.C.A. 63-1-144. This suspension/probation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB).

A motion was made by Ms. Schabacker and seconded by Mr. Hunter to accept this Agreed Order as presented. The motion carried with Candace Partee recusing.

Sylvia Cole, RRT—Ms. Coles' case was presented to the Board as an Agreed Order. Ms. Cole was present but was not represented by legal counsel.

The State presented these Findings of Fact:

When Ms. Cole initially applied for licensure in 1990, she checked "no" under the "ABG Eligible" portion of the application. Her license does not bear ABG endorsement; however, she performed Arterial Blood Gases at Skyline Medical Center from January 1, 1995 until December 4, 2004, when it was discovered that she did not have an ABG endorsement. She has ceased and desisted from performing ABG's since the time it was discovered she did not have the proper endorsement to perform this procedure. Prior to her licensure in Tennessee, Ms. Cole worked in the Commonwealth of Kentucky as a respiratory therapist and was trained and qualified to perform Arterial Blood Gases. Kentucky does not require a specific endorsement to perform this procedure. She is working to apply to obtain an ABG endorsement in the State of Tennessee.

The State presented these Conclusions of Law:

Ms. Cole was found to be in violation of T.C.A. 63-27-115 which states: Blood gas analysis and maintenance and quality assurance of blood gas laboratory may not be performed by any practitioner licensed under the provision of this part unless:

(1) In the case of a registered respiratory therapist or certified respiratory therapist, the registered respiratory therapist or certified respiratory therapist:

- (A) Has been trained in blood gas analysis as approved the board;
- (B) Has been granted a license by the board bearing the endorsement "ABG Analyst," and
- (C) Holds either the NBRC credentials "CRT," "CRTT," or "RRT" or has passed a board approved examination testing competency for blood gas analysis.

As a result of these findings of fact and the conclusions of law, the State recommends that Ms. Coles' license to practice respiratory care in Tennessee be placed on probation for a period of

one (1) year, effective the date this Consent Order is ratified by the Board pursuant to the authority vested in the Board under T.C.A. 63-27-112. She is also assessed ten (10) Type B civil penalties in the amount of Two Hundred Fifty Dollars (\$250.00) each for each of ten (10) years she performed ABG's without proper endorsement for a total assessment of Two Thousand Five Hundred Dollars (\$2,500.00). In addition she must pay the costs of this action pursuant to T.C.A. 63-1-144.

A motion was made by Mr. Hunter and seconded by Ms. Partee to accept the Agreed Order as presented. The motion carried.

Linda Waldrop, CRA – Ms. Waldrop's case was presented to the Board as an Agreed Order. Ms. Waldrop was not present and not represented by legal counsel. Mike Harkreader, Tennessee Professional Assistance Program (TNPAP) representative and Cindy Robertson, RN of West Tennessee Healthcare were witnesses for the State.

The State presented these Findings of Fact:

Ms. Waldrop was employed by Jackson-Madison County General Hospital in Jackson, Tennessee. On or around May 19, 2004, Ms. Waldrop submitted to a drug screen after exhibiting inappropriate behavior in the workplace. The results of the drug screen showed the Ms. Waldrop tested positive for Amphetamines and Methamphetamines. Ms. Waldrop was referred to Tennessee Professional Assistance Program (TNPAP); however, she failed to respond. Ms. Waldrop resigned her position at Jackson-Madison County General Hospital.

The State presented these Conclusions of Law:

Ms. Waldrop was found guilty of violating provisions of T.C.A. 63-27-101 et. seg., and T.C.A. 63-1-134 including, but not limited to, the following provisions:

T.C.A. 63-27-112(a): The Board has the power to impose any of the disciplinary sanctions set forth in this section whenever the licensee is found guilty of violating any of the provisions of this chapter or committing any of the following acts or offenses:

Immoral, unethical, unprofessional or dishonorable conduct; Habitual intoxication or personal misuse of narcotics, controlled substances or any other drugs or the use of alcoholic beverages or stimulates in such a manner as to adversely affect the person's ability to practice respiratory care.

As a result of the findings of fact and conclusions of law, the state recommends that Ms. Waldrop's license be revoked effective upon the date of entry of this order with the Administrative Procedures Division. She is also assessed one (1) Type A Civil Penalty in the amount of One Thousand Dollars (\$1,000), for a total assessment of One Thousand Dollars (\$1,000) for one (1) violation of the Respiratory Care Practice Act. In addition she must pay the costs of this action pursuant to T.C.A. 63-1-144.

A motion was made by Mr. Hunter and seconded by Ms. Partee to accept the Agreed Order as presented. The motion carried.

### **Approval of Minutes**

A motion was made by Ms. Schabacker and seconded by Ms. Partee to approve the minutes of the February 14, 2006 Board meeting as amended. The motion carried.

### **Applicant Interviews/File Reviews**

David Brasfield—Mr. Brasfield appeared before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. He was convicted of a simple possession charge and a domestic assault charge. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Mr. Hunter to approve Mr. Brasfield for licensure pending a favorable evaluation from Tennessee Professional Assistance Program (TNPAP). The motion carried.

Reegan Chinella—Ms. Chinella appeared before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. She has two (2) DUI convictions. Upon review by the Board, a motion was made by Ms. Partee and seconded by Mr. Hunter to approve Ms. Chinella for licensure. The motion carried.

Joel Hilliker- Mr. Hilliker's application came before the Board seeking licensure as a Registered Respiratory Therapist through reciprocity. Due to the closing of Flagler Career Institute, Mr. Hilliker's educational institution could not provide the Board with an official transcript. The Florida Department of Education submitted a letter requesting that we accept the unofficial transcript provided to Mr. Hilliker at the time of his graduation. Ms. Schabacker recused herself. Upon review by the Board, a motion was made by Ms. Partee and seconded by Mr. Hunter to approve Mr. Hilliker for licensure. The motion carried.

Pamela Lott—Ms. Lott's application came before the Board for noncompliance of a Board order. Ms. Lott had been convicted of a DUI in 2003 in the state of Louisiana. The Board ordered Ms. Lott at the February 14, 2006 Board meeting to report to TNPAP for an evaluation. An evaluation from TNPAP shows Ms. Lott did not comply with the recommendations put forth by TNPAP. Upon review by the Board a motion was made by Mr. Hunter and seconded by Ms. Brackett to deny Ms. Lott licensure. The motion carried.

Amy Miller – Ms. Miller appeared before the Board seeking licensure as a Certified Respiratory Therapist. Ms. Miller had a conviction in 2005 for a bad check. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Ms. Miller for licensure. The motion carried.

### **Rules**

Jerry Kosten presented for a roll call vote the Rulemaking Hearing held on April 25, 2006 regarding an amendment to Rule 1330-1-.22 ABG Endorsement. It is amended by deleting paragraph (2) in its entirety and substituting instead the following language, and is further amended by deleting paragraphs (3) and (4) in their entirety, so that as amended, the new paragraph (2) shall read:

## (2) Obtaining ABG Endorsement

- (a) Registered respiratory therapists and certified respiratory therapists can obtain ABG Endorsement by submitting verification to the Board that he/she holds a current CRT or RRT credential issued by the NBRC; or
- (b) An individual can obtain ABG Endorsement by submitting verification to the Board of a current “Special Analyst/ABG” license issued by the Tennessee Medical Laboratory Board.

And Rule 1330-1-.19 is amended by adding the following language as new paragraph (8):

- (8) Reconsiderations and Stays- The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Ms. Schabacker made a motion, seconded by Ms. Partee to accept the rules as presented. The motion carried unanimously with all members voting yes.

## **Investigations and Disciplinary Report**

Lea Phelps presented the disciplinary and investigative report. There was an initial carryover of twelve (12) complaints from December, 2005 with three (3) new complaints received in 2006. Four (4) complaints were referred to the Office of General Counsel leaving a total of eleven (11) open complaints at the time of this meeting.

## **Tennessee Professional Assistance Program Report**

Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP) presented the report. There were eight (8) new referrals to Tennessee Professional Assistance Program (TNPAP) for the period of July 1, 2005 thru March 31, 2006. Of these referrals three (3) entered into a monitoring agreement making a total of seven (7) being monitored at this time; also for this period of time there were three (3) released after evaluation and five (5) in treatment.

## **Administrator’s Report**

Tomica Walker presented the Administrator’s report. Active current licensee totals are 2012 Registered Respiratory Therapists, 2027 Certified Respiratory Therapists, and 34 Respiratory Care Assistants. There is a benchmark of application processing time set for all Health Related Boards of 14 days for renewals and 100 days for initial applications.

We are exceeding our benchmark of 14 days processing time with regard to renewals with the average time of 3 to 4 days for both RRT’s and CRT’s and 4 to 5 days for RCA’s.

We are meeting the benchmark of 100 days processing time for initial licensure with 62 days being the average time for RRT’s, and 94 being the average time for CRT’s.

For your information, ABG endorsement can now be accessed on the Internet verification system.

Board members were again reminded to obtain prior travel approval through the Administrative staff before making travel arrangements outside of the State of Tennessee in order to ensure reimbursement.

### **Ratifications**

A motion was made by Ms. Partee and seconded by Mr. Hunter to approve the following applicants for Registered Respiratory Therapists, Reinstated Registered Respiratory Therapists, Certified Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

### **Licensed Certified Respiratory Therapist**

Mark Thomas Belcher  
Melissa Faith Bess  
Frederick Leon Bessent  
Steven Chadwick Boatwright  
Lamont Everard Brooks  
Melissa Dawn Canterbury  
Brent Adam Clem  
Thomas Eugene Cochran  
Ginger Cauble Cole  
Patricia S. Crawford  
Misty Dawn Darnell  
Robert L. Deshields  
Audrey E. Fielding  
Elizabeth Nolan Howell  
Amanda Lynne Hubbard  
April Stone Huffines  
Anna Bland Johnson  
Jesse Lee Jones  
Jonell Jodie Keener-Hendricks  
Stacy Fields Keith  
Rebecca Ellen Kilgore  
Monica Bourque King  
Mark J Long  
W. Michael Martin  
Vernice Marquita McCurrie-Tate  
Tana Lampley McIntosh  
Reah Kristen McNeese  
Susan Ried Nelson

Talonya Latrese Owen  
Erin Lynn Ozment  
Sandra Webb Parker  
Jennifer Leigh Phillips  
Pamela N. Pierson  
Lindsay Ann Rinks  
Douglas Norman Ross  
Heather Leffers Ruffner  
Christa Cates Sala  
Kevin Richard Shaw  
Kimberly S. Smith  
Cynthia A. Spencer  
Jonathan David Stafford  
Kevin Brian Vinsant  
Faith Lesha Wade  
Tamara Denise Watson  
Gail Ruth White  
Bobby William Whiteaker  
Jasmine Camylle Whitlock

**Reinstated Licensed Certified Respiratory Therapist**

Leigh A. Barnett  
Tori Earle Cole  
Josue Droz  
Julie Ann Moore  
Amy L. Shelton

**Licensed Registered Respiratory Therapist**

Eddie Wayne Allen Jr  
Linda Diane Arnold  
Laura Smith Beckman  
Linda Oglesby Bolt-Griffith  
Janet Uscinski Cameron  
Shannon Monroe Dalton  
Stephen Wayne Fryar  
Rebecca Hooker Fugate  
Michael Joseph Gaudet  
Madelene Murphy Glass  
Yvette Moss Hale  
Blanche Michelle Harris  
Joshua John Havard  
Charlotte Ruth Hodges-Brown



Tamara Denise Howard  
Loralee Ronan Inman  
Colleen Langford Jennings  
Antione Lomont Johnson  
Mary Beth Johnson  
Michael Wayne Jones  
Catherine Jelonek Justice  
Mark Steven Lawton  
Aerial Vantrease Lewis  
Toni L. Martin-Williams  
Espisito G. McClarty  
Lisa Jane Odom  
Nancy Williams Owings  
Elizabeth Davidson Paramore  
Dennis Warren Pope  
Elizabeth Sheahan Portillo  
William Christopher Riggs  
Pam Kaye Saylor  
William L. Scalzo  
Cynthia Ann Sedor  
Casie Mayes Smith  
Gina Smith  
Scotty Dale Springer  
Tammy Howard Steele  
Hairline Sylvestre  
Jeri Bruno Taylor  
Matthew Ryan Thomas  
Barbara Anne Uscinski  
Julia Michelle Whitt  
Charles William Zuhars

**Licensed Reinstated Registered Respiratory Therapist**

Thomas A. John  
Lois Ann Shipley  
Chad W. Smith

There being no further business, the meeting was adjourned at 12:05 pm.

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Candace Partee, Secretary